

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNION PACIFIC RAILROAD  
COMPANY,

Plaintiff(s),

v.

DAVID W DANNER, in his official  
capacity as Chair of the Washington  
Utilities and Transportation Commission, et  
al.,

Defendant(s).

CASE NO. 3:22-cv-05544-TL

ORDER STRIKING MOTION TO  
DISMISS AS MOOT

This matter is before the Court on Defendants' first Motion to Dismiss. Dkt. No. 13 Plaintiff filed an Amended Complaint (Dkt. No. 14) prior to its response deadline for the motion and within the time allowed for amendment as a matter of course. Fed. R. Civ. P. 15(a)(1)(B); LCR 7(d)(3). Plaintiff also filed a response to the motion to dismiss noting that its filing of an Amended Complaint renders Defendants' motion moot. Dkt. No. 15. When a Plaintiff amends a complaint, it supersedes and completely replaces the original complaint. *See Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir.1990) ("an amended pleading supersedes

1 the original"); *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir.1967) (same). Defendants did not object to  
2 Plaintiff's attempt to amend as a matter of course and have responded by filing a new Rule 12  
3 motion to dismiss the Amended Complaint. *See* Dkt. No. 18.

4 Consequently, the Court ORDERS that Defendants' motion to dismiss the original  
5 complaint (Dkt. No. 13) is moot and STRIKES the motion from the Court's hearing calendar.

6 Dated this 26th day of October 2022.

7  
8   
9 Tana Lin  
United States District Judge